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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,989	01/11/2007	Paolo Monti	294552US6X PCT	2476
22850	7590	02/03/2011	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			ANDRISH, SEAN D	
			ART UNIT	PAPER NUMBER
			3672	
			NOTIFICATION DATE	DELIVERY MODE
			02/03/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/589,989	MONTI ET AL.
	Examiner	Art Unit
	Sean Andrish	3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11/12/2010.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 17 - 26, 28, and 33 - 38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 17 - 26, 28, and 33 - 38 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 112**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 34 - 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not teach varying the angle of the upper surfaces of the supports “after the pipelines are placed on the supports” (claims 34, 35, 37, and 38) or that only the weight of the pipelines and the inclination angle of the upper surfaces affects downward transversal movement (claim 36).

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 17, 18, 20 - 26, 28, 33 - 35, 37, an 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertaccini (4,147,455) in view of Hellerman et al. (4,040,265).

Regarding claims 17, 18, 33, an 34, Bertaccini discloses a support comprising: a structure (1) with a simple or lattice framework with foundations; an upper surface (3) tilted transversely with respect to the direction of the pipeline (2); and a pipeline (2) resting on the upper surface of the structure (1) (Figs. 1 and 2; column 3, lines 33 - 43). Examiner notes that the tilting of the upper surface as taught by Bertaccini would inherently create a downward lateral force acting on the pipelines, the magnitude of the force being a function of pipeline weight and the angle of inclination of the tilted surface; and only the downward lateral force affects the downward transverse movement of the pipeline. Bertaccini further discloses a pawl mechanism to move a wedge upon which a pipeline rests upwards on the inclined surface (column 2, lines 12 - 24). Bertaccini fails to disclose the pipelines undergo a downward transversal movement on the upper surfaces of the supports caused by a lateral force acting on the pipelines. Hellerman teaches a pawl mechanism for extending and retracting a tubular (leg 20) using spring-loaded pawls (column 10, lines 1 – 56, column 11, lines 1 - 11). It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the support structure as disclosed by Bertaccini with the pawl mechanism as taught by Hellerman to allow the wedge to be lowered so that the support structure can be reused at another location. It would have been obvious to one of ordinary skill to modify the pawl as taught by Bertaccini to be lowered in the case where the wedge has been erroneously been raised to a height along the

upper surfaces that exceeds the desired height. Examiner notes that Bertaccini in view of Hellerman teaches only a lateral force related to a weight of the pipelines and the inclination angle of the upper surfaces affects the downward transversal movement of the pipelines inasmuch as the claimed invention does so.

Regarding claim 20, Bertaccini in view of Hellerman discloses all of the limitations of the above claim(s) except for at least part of the structures on the carrying structure are removed after the pipelines have been rested on the upper surfaces. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed above to include removable structures so that the support structure can be used at multiple locations within the support system to meet the design requirements of a given scenario.

Regarding claims 21 and 22, Bertaccini in view of Hellerman discloses all of the limitations of the above claim(s) except for the range of inclination angles. Where the range of article sizes disclosed in the prior art envelopes the recited range, and there is no showing of criticality of the recited range, such recited range would have been one of ordinary skill in the art. *In re Reven*, 390 F.2d 997, 156 USPQ 679 (CCPA 1968).

Regarding claims 23, 25, 35, 37, and 38, Bertaccini in view of Hellerman discloses all of the limitations of the above claim(s) except for the upper surface of the support has either a constant inclination or a succession of sections with a varying inclination alternating with horizontal stretches. Examiner takes official notice that the inclination(s) of the upper surface of the support is selected to provide controlled lateral movement of the pipeline on the support structure for a given scenario as a matter of design choice within the skill of the art. Examiner

notes that the original disclosure only teaches varying the inclination angle both after laying of the support and before that of the pipeline and also during the operating life. Examiner explains that the operating life also encompasses the construction and laying of the support structure and, thus, the apparatus of Bertaccini in view of Hellerman reads on the claim limitation(s).

Regarding claims 24 and 26, Bertaccini further discloses the final section of the upper surface of the support is counter inclined (wedge 10) (Fig. 1).

Regarding claim 28, Bertaccini in view of Hellerman discloses all of the limitations of the above claim(s) except for an upper surface coated with material having a defined friction coefficient. It would have been considered obvious to one of ordinary skill in the art at the time the invention was made to have modified the structure as disclosed above with a coated upper surface of the support to define a friction coefficient that provides for controlled lateral movement of a pipe section on the support structure, the coefficient being defined to meet the design requirements for a given scenario.

6. Claims 19 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertaccini in view of Hellerman as applied to claim 17 above, and further in view of Recalde (5,533,834). Bertaccini in view of Hellerman discloses all of the limitations of the above claim(s) except for funnels. Recalde teaches funnels (lateral deflector plates 532S, 532P) (Fig. 26; column 23, lines 39 - 42) to counter greater lateral loadings that tend to laterally displace a pipe positioned on a pipe support structure. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed by Bertaccini with the lateral deflector plates as taught by Recalde to counter greater lateral loadings that tend to laterally displace a pipe positioned on a pipe support structure.

### **Response to Arguments**

7. Applicant's arguments with respect to claims 17 – 26 and 28 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Andrish whose telephone number is (571)270-3098. The examiner can normally be reached on Mon - Fri, 7:30am - 5:00pm, Alternate Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/  
Primary Examiner, Art Unit 3672

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1/21/2011